

ILLINOIS POWER COMPANY)
Complainant-Counter Respondent,) NO. 00-0382
)
vs.)
)
M.J.M. Electric Cooperative, Inc., an Illinois not)
for profit cooperation)
Respondent-Counter Complainant.)

BRIEF ON EXCEPTIONS OF ILLINOIS POWER COMPANY

Pursuant to § 200.830 of the Commission's Rules of Practice and the schedule set forth by the Hearing Examiner in the above-referenced docket, Illinois Power Company ("IP") hereby submits its brief on exceptions. IP does not have any significant concerns with the Proposed Order ("HEPO"). IP's issue involves commentary concerning the counter-claim which was filed by MJM Electric Cooperative, Inc. as follows:

1. On page 2 in the findings, reference to the counter-claim is absent. Since the Hearing Examiner is recommending that the Motion to Dismiss be granted, a finding with regard to the counter-claim is also appropriate. Thus, IP requests an additional finding that "(5) MJM's counter-claim is moot and therefore dismissed."

2. On page 3 of the HEPO, the first order in which the Motion to Dismiss is granted, lacks any reference to the resolution of the counter-claim. Thus, IP requests that the sentence at issue be modified as follows, with the bold portions added: "**and MJM's counter-claim is hereby moot and dismissed, without prejudice.**"

WHEREFORE, Illinois Power Company requests that the Commission amend the HEPO as set forth above.

ILLINOIS POWER COMPANY, an Illinois
corporation, Complainant

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